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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,075	07/30/2001	Tomima L. Edmark	019854.0261	2567
7590	05/09/2005		EXAMINER	
Baker Botts L.L.P. 2001 Ross Avenue Dallas, TX 75201-2980			FADOK, MARK A	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09 918 075

EXAMINER

ART UNIT PAPER

20050504

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Commissioner for Patents

Attached please find a corrected copy of the office action correcting the USC 101 rejection as requested by applicant's representative.

DETAILED ACTION

Response to Election

The examiner is in receipt of response to election/restriction mailed 9/28/2004, which was received 1/18/2005. Acknowledgement is made to the election of Group ID containing claims 1 and 4 without traverse and the withdrawal of claims 2,3,5-20.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 and 4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are not within the technological arts.

In this case the invention as claimed may be accomplished by hand and therefore does not require a computer.

The claimed invention must utilize technology in a non-trivial manner (Ex parte Bowman, 61 USPQ2d, 1665, 1671 (Bd. Pat. App. & Inter. 2001)). Although Bowman is not precedential, it has been cited for its analysis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodd (US 6,633,849) in view of Official Notice.

In regards to claim 1, Dodd teaches presenting numerous gifts for purchase by the purchaser (FIG 1C), but does not specifically state that the gift is a gift set (plurality of gifts). It was old and well known in the art to include in gift giving the opportunity to provide gift sets. It would have been obvious to a person having ordinary skill in the art to include gift sets in the selection process, because this would give the gift giver the opportunity to provide more than one gift a at a time and thus create an opportunity to increase sales and revenues through the increased purchases.

receiving a selection from the purchaser ((FIG 1B),
the selection comprising at least one of the plurality of gift sets FIG 1A and B);
receiving identification information regarding a recipient of the gift set (FIG 5, item 516);
issuing a notification to the recipient (FIG 5, 522),

the notification including a unique identifier (col 5, lines 27-39); and scheduling delivery of the selection to the recipient, if the recipient accepts the gift set (FIG 5, item 540).

In regards to claim 4, Dodd teaches wherein each gift set may be customized according to a plurality of specific criteria, and further comprising receiving at least one of the specific criteria regarding the selection, from the purchaser (col 10, lines 35-51, and col 11, line 4 to col 12, line 67).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(571) 272-7159**.

Any response to this action should be mailed to:

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Art Unit: 3625

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or faxed to:

(703) 872-9306 [Official communications; including

After Final communications labeled

"Box AF"]

(571) 273-6755 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]



Mark Fadok

Patent Examiner